



VILLAGE OF WELLINGTON POLICY

Subject: Drug Free Workplace Policy for All Employees
Department of Transportation Policy Drug/Alcohol Testing Policy for Commercial Drivers
Revision Date: 9/24/13

DRUG FREE WORKPLACE FOR ALL EMPLOYEES

I. POLICY STATEMENT

The Village of Wellington is committed to providing a safe environment for all employees and that commitment is jeopardized when any employee illegally uses drugs or alcohol on the job; reports to work under the influence of drugs or alcohol; illegally possesses, distributes or sells drugs; or abuses drugs or alcohol while on the job. The Village has implemented this policy in accordance with the program requirements outlined in Florida Statute Section 440.102. The following constitute violations to the Village of Wellington's Drug Free Workplace policy for all employees:

- a. It is a violation of this policy for any employee to use, possess, sell, trade, offer for sale, or offer to buy illegal drugs or otherwise engage in the illegal use of drugs on the job;
- b. It is a violation of this policy for anyone to report to work under the influence of illegal drugs or alcohol;
- c. It is a violation of this policy for anyone to use prescription drugs illegally. (However, nothing in this policy precludes the appropriate use of legally prescribed medications);
- d. It is a violation of this policy to unlawfully manufacture, distribute, dispense, possess, or use controlled substances in the workplace;
- e. It is a condition of employment to abide by the Drug-Free Workplace Policy;
- f. Violations of this policy subject all employees to disciplinary action up to and including immediate termination.

II. DRUG FREE WORKPLACE POLICY DEFINITIONS

Drug: alcohol, including a distilled spirit, wine, a malt beverage, or an intoxicating liquor; an amphetamine; a cannabinoid; cocaine; phencyclidine (PCP); a hallucinogen; methaqualone; an opiate; a barbiturate; a benzodiazepine; a synthetic narcotic; a designer drug; or a metabolite of any of the substances listed in this paragraph.

Drug Test or Test: any chemical, biological, or physical instrumental analysis administered, by a laboratory certified by the United States Department of Health and Human Services or licensed by the Agency for Health Care Administration, for the purpose of determining the presence or absence of a drug or its metabolites.

Initial Drug Test: a sensitive, rapid, and reliable procedure to identify negative and presumptive positive specimens, using an immunoassay procedure or an equivalent, or a more accurate scientifically accepted method approved by the United States Food and Drug Administration or the Agency for Health Care Administration as such more accurate technology becomes available in a cost-effective forum.

CONFIDENTIALITY

All information, interviews, reports, statements, memoranda, drug test results, written or otherwise, received or produced as a result of a drug-testing program are confidential and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in accordance with Florida's Drug Free Workplace Act or in determining compensability under the workers' compensation or unemployment benefits laws.

The Village and its agents (including the Third-Party Administrators, laboratories, medical review officers, employee assistance programs, drug rehabilitation programs, etc.) shall not release any information concerning drug test results obtained under this policy without first obtaining a release from the affected individual in accordance with Florida's Drug Free Workplace Act and other applicable laws or regulations.

DRUGS TO BE TESTED

The Village tests for the following drugs: ALCOHOL, AMPHETAMINES, CANNABINOIDS (MARIJUANA), COCAINE, OPIATES, PHENCYCLIDINE (PCP), METHAQUALONE, BARBITURATES, BENZODIAZEPINES, METHADONE AND PROPOXYPHENE.

TESTING PROCEDURES

Employees or job applicants may confidentially report the legitimate use of prescription or non-prescription medications both before and after being tested to the testing laboratory and the Medical Review Officer (MRO). Employees and job applicants have the right to consult the testing laboratory for technical information regarding prescription and non-prescription medication.

Within 5 working days after receiving notice of a positive confirmed test result, an employee or job applicant may submit information to the Village explaining or contesting the test result, explaining why the result should not constitute a violation of this policy. If the Village considers the employee's explanation or challenge unsatisfactory, the employee will be subject to discipline under this policy, up to and including termination of employment. If the Village considers a job applicant's explanation or challenge unsatisfactory, the job applicant may not be considered for the position.

CONSEQUENCES OF POSITIVE CONFIRMED TEST RESULT

Any employee or job applicant may contest the drug test result pursuant to law or to rules adopted by the Agency for Health Care Administration. Those contesting the results must notify the laboratory of any administrative or civil action brought pursuant Florida's Drug Free Workplace Act.

Any employee receiving a positive confirmed test result may be subject to immediate termination. Additionally, the employee may lose his or her right to workers' compensation, unemployment compensation benefits, medical, and indemnity benefits.

An employee or job applicant has 180 days after receiving written notification of a positive confirmed test result to have the sample retested at his or her own expense at another licensed or certified laboratory chosen by the employee or job applicant.

CONSEQUENCES OF REFUSING TO SUBMIT TO DRUG TESTING:

An employee who refuses to submit to drug testing may be subject to immediate termination. Additionally, the employee may lose his or her right to workers' compensation, unemployment compensation, medical, and indemnity benefits. A job applicant who refuses to submit to drug

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| BARBITURATES | Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotunate, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabarbital, Butalbital, Phrenilin, Triad. |
| BENZODIAZEPINES | Ativan, Azene, Clonopin, Dalmane, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, Centrax. |
| METHADONE | Dolophine, Metadose. |
| PROPOXYPHENE | Darvocet, Darvon N, Dolene. |

EMPLOYEE ASSISTANCE PROGRAMS

Employees may contact the Village's EAP if they need help in dealing with substance abuse. Additionally, a list of local employee assistance programs and local drug rehabilitation programs follows:

Narcotics Anonymous Help-line: 561-848-6262

Drug Abuse Foundation of Palm Beach County: 561-278-0000

Palm Beach Al-Anon/Al-a-Teen Information Service: 561-882-0308

Alcoholics Anonymous (Palm Beach County): 561-655-5700

Comprehensive Alcoholism Rehabilitation Program: 561-844-6400

The Village does not promote or recommend any specific program or organization for treatment. Other options for treatment can be located online or through various social service organizations.

DEPARTMENT OF TRANSPORTATION (DOT) DRUG/ALCOHOL TESTING POLICY FOR COMMERCIAL DRIVERS

I. POLICY STATEMENT

The Village of Wellington's DOT Drug/Alcohol Testing Policy For Commercial Drivers was developed in compliance with the Omnibus Transportation Employee Testing Act of 1991 (OTETA). The Village will not tolerate the illegal use of drugs and abuse of alcohol or prescription drugs by commercial drivers covered by this policy. Any questions related to Department of Transportation (DOT) testing should be directed to the Human Resources Director.

As employees of the Village, commercial drivers covered by this policy are also separately subject to Wellington's Drug-Free Workplace Policy which covers all employees. The Village may terminate any employee whose conduct violates these policies.

II. POLICY

APPLICABILITY

This Policy applies to every employee who operates a commercial motor vehicle and maintains a commercial drivers' license, referred to as "CDL." This policy also includes employees who inspect, service or condition a commercial motor vehicle, and to the employees who supervise the commercial drivers and other covered employees.

REQUIRED PARTICIPATION

Participation in the DOT Drug/Alcohol Testing program as set forth in this Policy is a requirement for all commercial drivers and is a condition of employment.

not be permitted to perform or continue to perform safety sensitive functions, until the start of the next regularly scheduled duty period, but not less than 24 hours following administration of the test.

b. Controlled Substance Testing:

Commercial Drivers are prohibited from reporting to, or remaining on duty when using any controlled substance, unless the use is at the direction of a physician who advised that the substance does not adversely affect driver's ability to safely operate a commercial motor vehicle.

Controlled substance testing is conducted by analyzing an employee's urine specimen. The analysis is performed at laboratories certified and monitored by the Department of Health and Human Services (DHHS). The employee provides a urine specimen in a location that affords privacy and the collector seals and labels the specimen, completes a chain of custody document, and prepares the specimen and accompanying paperwork for shipment to a drug testing laboratory. The testing is performed using "split specimen procedures" that require each urine specimen to be subdivided into two bottles labeled as a "primary" and a "split" specimen. Both bottles are sent to a laboratory. Only the primary specimen is opened and used for the urinalysis. The split specimen bottle remains sealed and is stored at the laboratory. The testing is a two stage process. First, a screening test is performed. If it is positive for one or more of the controlled substances, then a confirmation test is performed for each identified controlled substance using gas chromatography/mass spectrometry (GC/MS) analysis.

GC/MS confirmation ensures that over the counter medications or preparations are not reported as positive results. If the analysis of the primary specimen confirms the presence of illegal, controlled substances, the driver has 72 hours to request the split specimen be sent to another DHHS certified laboratory for analysis to essentially obtain a "second opinion."

All drug test results are reviewed and interpreted by a Medical Review Officer (MRO) before they are reported to the Village. If the laboratory reports a positive result to the MRO, the MRO contacts the employee (in person or by telephone) and conducts an interview to determine if there is an alternative medical explanation for the drugs found in the specimen. If the employee provides appropriate documentation and the MRO determines that the positive result was due to legitimate medical use of the prohibited drug, the drug test result is reported as negative to the Village.

Pre- Employment Testing and Drug and Alcohol Testing Record

All job applicants for commercial driver or other covered positions are required to undergo testing for controlled substances as a condition of employment. Transferred employees or employees assuming DOT regulated duties shall undergo testing for controlled substances prior to the first time they perform DOT safety-sensitive functions for the Village. The Village will not allow an employee to perform DOT safety sensitive functions unless a controlled substances test result from the MRO or C/TPA (Consortium/Third Party Administrator who coordinates a variety of drug and alcohol testing services for employers) indicating a verified negative test result for that covered employee has been received. The Village reserves the right to invoke any and all exceptions to the pre-employment testing requirement as set forth in the DOT regulations (49 CFR § 382.301(b)).

Because the Village wants to help the employee overcome a substance abuse problem, any employee who has a positive urinalysis, or a blood or breath alcohol of .04 percent or higher, may be referred to the Employee Assistance Program (EAP) for treatment and, if so, will sign the EAP Release of Information Form. The determination to send an employee to the EAP rests solely in the discretion of the Village:

- a. Any employee who refuses the EAP treatment as directed by the Village, refuses to sign the Release of Information Form, or refuses to keep scheduled EAP appointments may be terminated with or without notice.
- b. The sole purpose of the EAP Release of Information Form is to enable the Village to monitor participation, compliance and completion of the program. Urinalysis test results, blood and breath alcohol test results, and EAP participation information will be maintained in a file separate from the Employee file.
- c. An employee who has a positive urinalysis, or a blood or breath alcohol level of .04 percent or higher, and who is retained by the Village at their discretion, may be placed on a probationary period during which time he/she will be carefully monitored for reasonable suspicion and will submit to unannounced follow-up testing.
- d. The determination to place an employee on a probationary status will rest solely in the discretion of the Village.
- e. The employee may be responsible for all costs associated with periodic follow-up testing, and all such tests shall be conducted at the lab/facility of the Village's choosing.

None of the foregoing modifies the employee's responsibility to comply with the return-to-duty process including evaluation by a DOT-approved Substance Abuse Professional and completion of any recommended education or treatment.

RETURN TO DUTY AND FOLLOW-UP TESTING

If the Village allows a driver to return to a DOT safety-sensitive function following a violation, the Village shall require an evaluation by a SAP and compliance with the SAP's recommendations prior to returning to duty. The Village of Wellington is not required to provide drivers who violate this Policy with an evaluation by a Substance Abuse Professional (SAP) or any subsequent recommended education or treatment. Any such evaluation and treatment is at the employee's sole expense.

Following removal from a safety sensitive position (after a positive, adulterated or substituted test and referral to a SAP), and successful compliance with the prescribed education and/or treatment, a covered employee is required to undergo a return to duty test for controlled substances and/or alcohol before returning to work. Follow-up tests are unannounced and at least 6 tests must be conducted in the first 12 months after an employee returns to duty as provided by the SAP's follow-up testing plan. Follow-up testing may extend for up to 60 months following return to duty, and additional testing may also be conducted as required by applicable state or federal laws, rules, or regulations, in accordance with the Village Wellington's Drug-Free Workplace Policy For All Employees or as otherwise deemed necessary by the Village.

Medications:

The Village recognizes that employees may need to take medications to combat various illnesses. An employee could potentially test positive for a drug when taking medications prescribed by a doctor or purchased over-the-counter.

state, and/or local laws and regulations. Any other release of this information will be allowed only with the tested individual's consent. If an employee initiates a grievance, hearing, lawsuit or other action as a result of a violation of these rules, the Village may release relevant information to its legal counsel and the decision maker in said action.